

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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Z CORPORATION COMMISSION

DIRECTOR OF UTILITIES

IN THE MATTER OF ILEC UNBUNDLING
OBLIGATIONS AS A RESULT OF THE
FEDERAL TRIENNIAL REVIEW ORDER.

DOCKET NO. T-00000A-03-0369

PROCEDURAL ORDER**BY THE COMMISSION:**

On June 4, 2003, the Utilities Division Staff ("Staff") of the Arizona Corporation Commission ("Commission") filed with Docket Control a memo requesting that a generic docket in the above-captioned matter be opened.

On June 10, 2003, Staff filed a Request for a Procedural Order. Staff requested that comments be filed within 20 days following the release of the Federal Communications Commission's ("FCC") Report and Order and Further Notice of Proposed Rulemaking ("Triennial Review Order") in CC Docket No. 01-338.

On June 24, 2003, a Procedural Order was issued requesting all parties to file comments to certain questions within 20 days from the release of the FCC's Triennial Review Order.

In response to the Procedural Order, comments were filed by AT&T Communications of the Mountain States, Inc. ("AT&T"), Qwest Corporation ("Qwest"), Z-Tel Communications, Inc. ("Z-Tel"), WorldCom, Inc. ("MCI"), Eschelon Telecom, Inc. ("Eschelon"), the Residential Utility Consumers Office ("RUCO"), Cox Arizona Telecom, LLC ("COX"), the Arizona Local Exchange Carriers Association ("ALECA"), Mountain Telecommunications, Inc. ("MTI"), Allegiance Telecom, Inc. ("Allegiance"), and Sprint Communications Company, LP ("Sprint").

In addition, intervention requests have been submitted by Qwest, AT&T, MCI, MTI, ALECA, Time Warner Telecom of Arizona, Inc. ("Time Warner"), and Electric Lightwave, LLC ("Electric Lightwave").

Motions for Admission Pro Hac Vice were filed by Thomas Dixon on behalf of MCI, and by Richard Wolters on behalf of AT&T.

1
2 On September 26, 2003, Staff filed a Request for a Procedural Order. Staff requests that this
3 docket be divided into two separate phases. Under Staff's proposal, the 90-day Phase I proceeding
4 would address the rebuttable national presumptive finding of no impairment for local circuit
5 switching on high capacity loops, such as DS-1s, for enterprise market customers (i.e., medium and
6 large business). The 9-month Phase II proceeding would address the national presumptive finding of
7 impairment for local switching for mass market customers (i.e., residential and small business). The
8 second phase would also examine loops for enterprise market customers and dedicated transport.

9 Staff states that the immediate focus should be on the 90-day phase of the proceeding in
10 order to consider the issue of whether ILECs need to continue to provide unbundled switching to
11 CLECs which use the switching unbundled network element ("UNE") to provide service to
12 enterprise market customers. Staff points out that the FCC has established a national presumption
13 that ILECs do not need to provide unbundled switching to CLECs serving enterprise market
14 customers using DS-1 and higher speed loops. However, state commissions can petition the FCC for
15 a waiver of the presumption if the state commission finds that circumstances in specific markets
16 warrant continued provision of such unbundled switching.

17 In order to address this issue, Staff proposes that the Commission initiate the 90-day phase of
18 the proceeding by requesting facilities-based CLECs to file comments on the following issues:

- 19 1. Does your company plan to file evidence in support of a finding
20 of impairment for local circuit switching on high-capacity loops,
21 such as DS-1s, for enterprise market customers?

22 If your response to Question 1 is yes, please also answer the following
23 questions:

- 24 2. Please provide all evidence upon which you intend to rely for a
25 finding of impairment for local circuit switching on high-
26 capacity loops.
- 27 3. Please address each of the specific factors outlined by the FCC at
28 paragraphs 456-458 of the TRO.
4. What is the total number of customers the CLEC currently serves

1 in Arizona and what is the total number of customers served by
 2 the CLEC in Arizona with DS1 and higher capacity loops?
 3

4 Staff states that, in the event no party files evidence of impairment, Staff proposes to file a
 5 Staff Report with a summary of its findings and a request that the 90-day phase be closed. However,
 6 if evidence is submitted rebutting the no impairment presumption, Staff will review the information
 7 and make a recommendation as to whether it believes an expedited hearing is necessary to allow
 8 parties to present their positions to the Hearing Division for resolution. According to Staff, it intends
 9 to request a Procedural Order in the near future to address issues in the 9-month phase of the
 10 proceeding.

11 IT IS THEREFORE ORDERED that interested parties are directed to file comments, by no
 12 later than **October 17, 2003**, regarding the issues and questions set forth above.

13 IT IS FURTHER ORDERED that the requests for intervention filed by Qwest, AT&T, MCI,
 14 MTI, ALECA, Time Warner, and Electric Lightwave are hereby granted. Intervention shall also be
 15 granted to Z-Tel, Eschelon, RUCO, COX, Allegiance, and Sprint based on their interests in this
 16 proceeding as described in their filed comments.

17 IT IS FURTHER ORDERED that the requests for admission pro hac vice by Thomas Dixon
 18 and Richard Wolters are granted, subject to compliance with the Arizona Supreme Court's rules.

19 DATED this 15th day of October, 2003.

20
 21 

22 DWIGHT D. NODES
 23 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
 25 This 15th day of October, 2003 to:

26 Catherine Fox
 27 Adelphia
 1 North Main Street
 Coudersport, PA 16915-1141

28 Bob Innes
 AFN
 940 Indian Creek Pkwy, Suite 140
 Overland, KS 66210

Thomas H. Campbell
 Lewis & Roca
 40 N. Central Avenue
 Phoenix, AZ 85004
 Attorney for Allegiance Telecom

- | | | |
|----|--|---|
| 1 | Thomas Bade | Sharon Belcher |
| 2 | Arizona Dial Tone | Tony Sanna |
| | 7170 Oakland Street | El Paso Networks |
| | Chandler, AZ 85226 | 1001 Louisiana Street |
| 3 | | Houston, TX 77002 |
| | Richard Wolters | Michael Grant |
| 4 | AT&T & TCG | Gallagher and Kennedy |
| | 1875 Lawrence Street, Room 1575 | 2575 E. Camelback Road |
| | Denver, CO 80202 | Phoenix, AZ 85016-9225 |
| 5 | Patrick Chow | Barbara Burns |
| 6 | Brooks Fiber Communications | Ernest Communications |
| | of Tucson | 6475 Jimmy Carter Blvd., Ste. 300 |
| | 201 Spear Street, #9 | Norcross, GA 30071 |
| 7 | San Francisco, CA 94105 | |
| | Caltech International Telecom | Dennis D. Alhers, Sr. Attorney |
| 8 | 1907 Joaquin Circle | Karen Clausen |
| | Danville, CA 94526 | Eschelon Telecom of AZ |
| 9 | Caprock Telecom | 730 Second Avenue South Suite 1200 |
| | P.O. Box 3177 | Minneapolis, MN 55402 |
| 10 | Cedar Rapids, IA 52406 | |
| | Stacey Goff | Mark P. Trinchero |
| 11 | Christie Wilson | Davis, Wright Tremaine |
| | CenturyTel Solutions | 1300 SW Fifth Avenue, Suite 2300 |
| 12 | 100 CenturyTel Drive | Portland, OR 97201 |
| | Monroe, LA 71203 | |
| 13 | Pat Dixon | Diane L. Peters, Director-Regulatory Services |
| | CI2 | Mike Allentoff |
| 14 | 200 Galleria Pkwy, Ste. 1550 | Global Crossing Services |
| | Atlanta, GA 30339 | 1080 Pittsford Victor Road |
| | | Pittsford, NY 14534 |
| 15 | Curt Huttzell | Gena Doyscher |
| | Citizens Communications, Citizens Utilities Rural | Global Crossing Services |
| 16 | Citizens Telecommunications Co. of White Mountains, Inc. | 1221 Nicollet Mall |
| | 4 Triad Center, Suite 200 | Minneapolis, MN 55403-2420 |
| | Salt Lake City, UT 84180 | |
| 17 | Comm South | IG2 |
| | 2909 N. Buckner Boulevard, Suite 800 | 80-02 Kew Gardens Road |
| 18 | Dallas, TX 75228 | Suite 5000 |
| | | Kew Gardens, NY 11415 |
| | Harry Pliskin | Jato Communications |
| 19 | Covad Communications | 303 E. 17 th Avenue, Suite 930 |
| | 7901 Lowry Blvd. | Denver, CO 80203-1202 |
| 20 | Denver, CO 80230 | |
| | Todd C. Wiley, Esq. | Randall Meacham, Manager of State Gov't Affairs |
| 21 | Gallagher and Kennedy | KMC Telecom V. Inc. |
| | 2575 East Camelback Road | 1755 N. Brown Road |
| 22 | Phoenix, AZ 85016-9225 | Lawrenceville, GA 30043 |
| | | |
| | Raymond S. Heyman | Local Gateway Exchange |
| 23 | Michael Patten | 700 N. Pearl, Suite 200 |
| | Roshka Heyman & DeWulf | Dallas, TX 75201 |
| | One Arizona Center | |
| 24 | 400 East Van Buren, Suite 800 | Long Distance Billing Svcs. |
| | Phoenix, AZ 85004 | 436 Lynchburg Avenue |
| | | Brookneal, VA 24528 |
| 25 | Mark DiNunzio | Jodi Caro |
| | Cox Arizona Telecom, LLC | Looking Glass |
| 26 | 20401 North 29 Avenue, Suite 100 | 1111 West 22 nd Street |
| | Phoenix, AZ 85027 | Oak Brook, IL 60523 |
| 27 | Wendy Blueming | Thomas Dixon |
| | DSLNet | Worldcom, Inc. |
| 28 | 545 Long Wharf Drive, Floor 5 | 707 17 th Street #4200 |
| | New Haven, CT 06511 | Denver, CO 80202 |

1	Jacqueline Manogian	Judith Riley
2	Mountain Telecommunications	Matrix Networks
3	1430 Broadway Road, Suite A200	Telecom Professionals
4	Tempe AZ 85282	300 N. Meridian
5	MPower	Oklahoma City, OK 73107
6	171 Sully's Trail Suite 2002	Sharon Thomas
7	Pittford, NY 14534	Talk America
8	Penny Bewicks	12001 Science Drive, Suite 130
9	New Edge Networks	Orlando, FL 32826
10	PO Box 5159	Tina Tec
11	Vancouver, WA 98668	Talk America
12	North County Communications	6805 Route 202
13	3802 Rosencrans, Suite 485	New Hope, PA 18938
14	San Diego, CA 92110	Donald Taylor
15	R. Scott Seab	Tel West Communications
16	Now Communications	P.O. Box 94447
17	2000 Newport Place Pkwy, #900	Seattle, WA 98124
18	Lawrenceville, GA 30043	Terri Natalie
19	Glen Stover	Diligent Services
20	Bridgett Hanson	460 Herndon Pkwy #100
21	OnFiber Carrier Services	Herndon, VA 20170
22	333 Market Street, 23 rd Floor	Richard Monte
23	San Francisco, CA 94105-2173	Universal Access of AZ
24	Maureen Arnold	233 Wicker Drive, Suite 600
25	Director, Regulatory Matters	Chicago, IL 60606
26	Qwest Communications, Inc.	Edward Marsh, Jr.
27	4041 North Central Avenue, 11 th Floor	Verizon Select
28	Phoenix, AZ 85012	6665 N. Macarthur Blvd HQK02D84
	Timothy Berg	Irving, TX 75039
	Fennimore Craig	Verizon Avenue
	3003 N. Central Avenue, Suite 2600	2 Conway Park
	Phoenix, AZ 85016	150 Field Drive, Suite 300
	Charles Steele	Lake Forest, IL 60045
	Andrew Crain	Vyvx
	Qwest Communications, Inc.	1 Technology Center Mail Drop: TC-7B
	1801 California Street, #5100	Tulsa, OK 74103
	Denver, CO 80202	Winstar Wireless of AZ
	Patrick McGuire	1577 Spring Hill Road, Floor 2
	RCN Telecom Services	Vienna, VA 22182
	105 Carnegie Center	WLNI
	Princeton, NJ 08540	1 Technology Center, Mail Drop: TC-7B
	Reflex Communications	Tulsa, OK 74103
	1601 5 th Avenue, Suite 710	Teresa Tan
	Seattle, WA 98101-1625	Worldcom, Inc.
	Kevin Chapman	201 Spear Street, Floor 9
	Director-Regulatory Relations	San Francisco, CA 94105
	SBC Telecom, Inc.	Joan Burke
	1010 N. St. Mary's Room 13K	Osborn Maledon
	San Antonio, TX 78125-2109	2929 N. Central Avenue, Floor 21
	Marla Hanley	P.O. Box 36379
	Smoke Signal Communications	Phoenix, AZ 85067-6379
	8700 S. Gasser	Attorney for XO Communications
	Houston, TX 77074	Rex Knowles
	Eric S. Heath	XO
	Sprint Communications	111 E. Broadway, Ste. 100
	100 Spear Street, Suite 930	Salt Lake City, UT 84111
	San Francisco, CA 94105	

1 Michael Reith
2 Z-Tel Communications, Inc.
3 777 S. Harbour Island Blvd. Suite 990
4 Tampa, FL 33602

5 Barbara P. Shever
6 LEC Relations Mgr. – Industry Policy
7 Z-Tel Communications, Inc.
8 601 S. Harbour Island Blvd., Suite 220
9 Tampa, FL 33602

10 Jonathan E. Canis
11 Michael B. Hazzard
12 Kelly Drye & Warren, LLP
13 1200 19th Street, NW Fifth Floor
14 Washington, DC 20036

15 Brian Thomas, VP Reg.- West
16 Time Warner Telecom, Inc.
17 520 SW 6th Avenue, Suite 300
18 Portland, Oregon, 97204

19 Transamerica
20 209 E. University
21 Denton, TX 76201

22 David Conn
23 McLeodUSA, Inc.
24 6400 C. Street SW,
25 PO Box 3177
26 Cedar Rapids, IA 52406-3177

27 Jeff Crockett
28 Snell & Wilmer
29 One Arizona Center
30 Phoenix, AZ 85004
31 Attorney for One Point d/b/a Verizon

32 Mark N. Rogers
33 Excell Agent Services, LLC
34 PO Box 52092
35 Phoenix, AZ 85072-2092

36 Robert Richards
37 Accipiter Communications, Inc.
38 2238 West Lone Cactus Drive, Ste. 100
39 Phoenix, AZ 85027

40 John Jones
41 CenturyTel
42 PO Box 4065
43 Monroe, LA 71211-4065

44 Lane Williams
45 Midvale Telephone Exchange
46 PO Box 7
47 Midvale, ID 83645-0000

48 Ronnie Brookover
49 Southwestern Telephone Company
50 PO Box 5158
51 Madison, WI 53705-0158

52 Ronnie Brookover
53 Arizona Telephone Company
54 PO Box 5158
55 Madison, WI 53705-0158

56 Kevin Fewell
57 Copper Valley Telephone
58 PO Box 970
59 Wilcox, AZ 85644-0000

Brenda Crosby
Rio Virgin Telephone Company
Rio Virgin Telephone & Cablevision
PO Box 189
Estacada, OR 97023-0000

Mark McLemore
South Central Utah Telephone Association
PO Box 226
Escalante, UT 84726-0000

William J. Hayes
Table Top Telephone Company
600 N. Second Avenue
AJO, AZ 85321-0000

Jesse (Jay) B. Tresler
Verizon California
One Verizon Way – CA 500GCF
Thousand Oaks, CA 91362-3811

Valley Telephone Cooperative
752 E. Malley Street
PO Box 970
Wilcox, AZ 85644

Steven Duffy
Isaacson & Duffy, PC
3101 N. Central Avenue, Suite 740
Phoenix, Arizona 85012-2638

Mitchell F. Brecher
GREENBERG TRAURY, LLC
800 Connecticut Avenue, NW, Suite 500
Washington, DC 20006
Attorneys for Mountain Telecommunications, Inc.

Scott Wakefield
RUCO
1110 W. Washington, Suite 220
Phoenix, Arizona 85007

Mark A. Stachiw
Jeffrey J. Bunder
ALLEGIANCE TELECOM
1919 M Street, NW, Suite 420
Washington, DC 20036

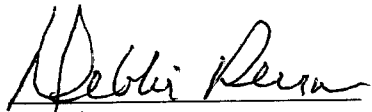
J. Jeffrey Oxley
ESCHELON TELECOM
730 2nd Avenue S, Suite 1200
Minneapolis, Minnesota

Christopher Kempsey, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

1 Arizona Reporting Service, Inc .
2 2627 N. Third Street,
3 Phoenix, Arizona 85004-1103

4 By:



5 Debbi Person
6 Secretary to Dwight D. Nodes
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
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